

The Kings County Superior Court proposes to amend its local rules effective January 1, 2014, as follows:

- Amend paragraphs B and D and add paragraph E to Local Rule 104, as follows:

RULE 104 - Court Attire and Conduct

- A. No person shall appear in Court barefoot, shirtless, wearing a tank top, wearing sunglasses, or dress in any manner reflecting poorly upon the dignity of the Court and its decorum. The bailiffs of the Court are to remove any person violating this rule. This rule does not limit any judge from additionally prescribing appropriate attire or conduct rules in the Courtroom.
- B. Cellular phones, pagers, *digital cameras*, *video recorders*, and all other electronic communication or recording devices not specifically authorized by a judge, must be turned off prior to entering the Courtroom. Any cellular phone, pager, *digital camera*, *video recorder*, or other electronic communication or recording device that disrupts the proceedings or *is used/possessed in violation of this rule*, shall be subject to confiscation by the bailiffs of the Court.
- C. For reasons of safety and security, all persons appearing before the Court are asked to keep their hands in plain sight.
- D. All persons entering the Court, Family Services Division or Jury Services area, will be subject to a search. No weapons are allowed within any Court facility, except those legally possessed by judicial officers. The prohibition of weapons on court property applies to firearms and other weapons legally carried off-duty by active or retired law enforcement personnel or officers. Law enforcement personnel or officers who are engaged in the duties of their employment while at a Court facility, *may in the discretion of the judicial officer presiding over the matter at which they are appearing*, be allowed to possess employer approved firearms and other weapons in a manner consistent with their employment duties, requirements and limitations. The court does not provide storage facilities nor otherwise take responsibility for, items of personal property taken onto Court grounds.
- E. *Nothing contained within this rule shall be construed to deprive a judicial officer from ordering individuals appearing before him/her to adhere to additional or different limitations or restrictions than those set forth above. (Eff. 1/1/99; as amended, eff. 7/1/08; amended 1/1/14.)*

- Add Local Rule 124, as follows:

RULE 124 – Filing of Documents After 3:00 p.m.

Public service demands upon staff are high and, therefore, all documents must be filed with the court in a timely manner. Pursuant to Administrative Order 94-04, documents filed with the Clerk of the Court after 3:00 p.m. will be stamped in as “filed” but will not be processed nor made available for court review and consideration, until the afternoon of the next working day. This includes documents filed after 3:00 p.m. in connection with next day Court hearings. In addition, any document filed after 3:00 p.m. in connection

with a next day Court hearing will be filed and conformed in a manner which reflects on its face the fact of its after 3:00 p.m. filing. (Eff. 1/1/14.)

- Add Local Rule 125, as follows:

RULE 125 – Pleadings Prepared by Third Parties

A. Parties who retain the services of third parties (e.g., typing services or paralegals) to prepare their pleadings, must provide the court with the following information concerning the third-party preparer.

1. Name, including Doing Business As (DBA);
2. Legal Document Assistant (LDA) number;
3. Address; and,
4. Telephone number

B. Third-party preparer information must be stated in the caption area of the prepared document or, in the case of Judicial Council Forms, the area designated for such information.

C. This rule applies to all pleadings, including Judicial Council Forms. If a Judicial Council Form does not provide sufficient space to set forth the required information, parties must include the name of the preparer on the face of each prepared pleading. The remaining information required by this rule may be submitted via a simultaneously filed declaration. (Eff. 1/1/14.)

- Amend paragraph G of Local Rule 526, as follows:

RULE 526 - Felony Pre-Trial Motions

A. Pre-trial motions other than motions in-limine should be orally noticed and scheduled at the post preliminary examination arraignment. This oral notice is supplemental to any notice required by statute or California Rules of Court. If not orally noticed at arraignment, pre-trial motions may be scheduled by written noticed motion to be heard no later than the trial readiness hearing. Pre-trial motions will not be set or heard after the readiness hearing date except upon an affirmative showing of good cause in a written declaration. The Court may impose sanctions against any attorney unreasonably delaying the bringing of any pre-trial motion including Penal Code Sections 995 and 1538.5 motions and motions of a constitutional dimension. If a motion requires the taking of evidence, counsel shall confer with the Court Clerk of the department in which the case is calendared to obtain possible hearing dates and times prior to setting the motion.

B. All motions *and oppositions* shall be in writing and shall be accompanied by points and authorities in support thereof and proof of service on opposing counsel.

C. All motions and responsive pleadings thereto shall have prominently displayed on the face of the moving document the date and time of the hearing and a time estimate for the duration of the hearing.

D. All documents submitted for filing shall include the attorney's state bar number.

E. All documents shall be typewritten or mechanically or electronically printed in a manner, which produces clear and permanent copies equally legible as letter quality printers. Pro-per defendants may file handwritten documents provided the documents are legible.

F. All documents shall be hole punched in accordance with directions from the clerk.

G. *No memorandum of points and authorities or affidavit submitted in support of a motion, petition, warrant application, or other request shall be in excess of 10 pages. In connection with affidavits, such limitation is inclusive of attached exhibits. Parties wishing to exceed this limit must obtain prior leave from the Court.*

H. A motion to dismiss pursuant to Penal Code Section 995 shall set forth with particularity the claimed deficiencies or irregularities in the proceedings. Moving papers and responses thereto, when making reference to the evidence, shall contain page and line citations to the reporter's transcript.

I. A motion to suppress evidence pursuant to Penal Code Section 1538.5 shall specifically describe and list the evidence which is the subject of the motion to suppress, shall specifically state the theory or theories which shall be relied upon for the suppression of evidence, and shall cite the specific authority or authorities which support the motion. Moving and responding parties shall state in their pleadings whether they are (a) willing to stipulate that the preliminary hearing transcript may be considered as evidence at the hearing on the motion and/or, (b) whether witnesses are proposed to be called. (Eff. 1/1/99 as Rule 527; as amended and renumbered, eff. 7/1/08, amended 1/1/14)

► Delete paragraph (C) of Local Rule 742. After amendment, Local Rule 742 will read:

RULE 742 - Custody and Visitation Issues at Title IV-D Proceedings

A. Except as otherwise permitted by law, child custody and visitation issues shall not be heard by the Child Support Commissioner in Title IV-D proceedings.

B. However, the Child Support Commissioner may entertain, clarify and make orders approving the parties' stipulations for custody and visitation. (Eff. 7/1/08, amended 1/1/14)

► Amend paragraph (D) of Local Rule 743, as highlighted below:

RULE 743 – Rules Related to the Conduct of Title IV-D Hearings

A. Court hearings occur as matters are ready to be heard. The Court may not do a calendar call at the beginning of each hearing session.

B. Matters proceeding by complete agreement of the parties are given preference on the Court calendar and are heard first.

C. Parties shall meet and confer with the DCSS attorney or DCSS representative on

the date of the hearing, prior to entering the courtroom. This requirement applies to parties who are represented by an attorney.

D. DCSS does not represent any of the parties in a Title IV-D action, inside or outside of Court, even when it brings a motion, responds, or files pleadings at the request of one of the parties.

E. Only those declarations under penalty of perjury which have been filed and served in accordance with Code of Civil Procedure Section 1005 and other applicable sections, are assured of consideration on the hearing date.

F. The Court, in its discretion, may consider un-filed or late filed papers which substantiate income, expenses, ability to work or other factors necessary to set child support, if such papers have been shown to the parties present at the hearing.

G. If child support and attorney fees are in issue, a current (less than 90 days old) Income and Expense Declaration form FL-150 must be completed, including the other party's income, or a fair estimate thereof. If only child support is in issue, then the Financial Statement (Simplified) Judicial Council form FL-155 may be substituted. In either case, the following information shall be attached:

1. Wage earners shall attach a pay stub showing year-to-date income covering the last 90 days, or sufficient pay stubs without year-to-date information to cover the last 90 days of employment.
2. Self-employed persons shall attach copies of their previous year's Federal Income Tax return and a profit and loss statement for the current year, through the last quarter, showing income and applicable deductions.

H. DCSS records of a party's income available to the Department as obtained from the EDD or other public agencies, will generally be considered by the Court without the need for further foundation. The DCSS shall not be required to file an Income and Expense Declaration for any party as a prerequisite for obtaining a child support order.

I. In Title IV-D proceedings, the DCSS may state their position on any case without having to file a pleading. (Eff. 7/1/08, amended 1/1/14)

